

Oral Deposition of Judith Harper

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

PATRICIA HOLLAND, the Surviving  
Mother of KIP EUGENE HOLLAND and  
WAYNE HOLLAND as the Administrator  
of the Estate of KIP EUGENE HOLLAND,  
Deceased,

PLAINTIFFS,

VS. CIVIL ACTION FILE NO. 2:27-CV-0120

CYPRESS INSURANCE COMPANY;  
JW HARPER FARMS, LLC., and  
CHRISTOPHER A. RUNYUN, as  
Administrator of the Estate  
of JAMES WENDELL HARPER,  
Deceased.

DEFENDANTS.

DEPOSITION OF JUDITH HARPER

The deposition of Judith Harper was taken  
before Celeste O. Riddle, RMR, RPR, CCR, on the 27th  
day of March 2018, by the plaintiffs, commencing at  
approximately 10:05 a.m. at the Marshall County  
Courthouse, 424 Blount Avenue, Guntersville, Alabama  
35976.

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1 A P P E A R A N C E S

2

3 For the Plaintiffs:

4 R. SHANE LAZENBY

5 LAZENBY LAW GROUP, LLC

6 P.O. Box 2875

7 Gainesville, Georgia 30503

8

9 For the Defendants:

10 BRENT M. ESTES

11 DENNIS CORRY SMITH & DIXON, LLP

12 900 Circle 75 Parkway

13 Suite 1400

14 Atlanta, Georgia 30339

15

16 ALSO PRESENT: Stanley Harper

17

18 I N D E X

19

20 Examination by Mr. Lazenby . . . . . 3

21 Examination by Mr. Estes . . . . . 31

22 Examination b Mr. Lazenby . . . . . 32

23 Reporter's Certificate . . . . . 33

24

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1 JUDITH HARPER

2 having been duly sworn, was examined and testified  
3 as follows:

4

5 MR. LAZENBY: This will be the deposition  
6 of Mrs. Judith Harper taken pursuant to subpoena for  
7 all lawful purposes under the Federal Rules of Civil  
8 Procedure. I assume we are continuing to reserve  
9 objections except to the form of the question and  
10 responsiveness of the answer until such time as the  
11 deposition is later used.

12 MR. ESTES: That's agreeable.

13 MR. LAZENBY: Great. Thank you.

14

15 EXAMINATION

16 BY MR. LAZENBY:

17 Q. Mrs. Harper, my name is Shane Lazenby. We  
18 met a few minutes ago. I represent the Holland  
19 family as you know. I understand that you told me  
20 you have a little bit of a hearing problem, but I  
21 take it you have never given a deposition before; is  
22 that right?

23 A. I don't think so.

24 Q. Well, I'm going to ask a whole bunch of  
25 questions probably. Hopefully we won't be here too

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1 long.

2 A. Okay.

3 Q. If you don't hear any of my questions, let  
4 me know.

5 A. I will.

6 Q. I want to make sure that you hear the  
7 question and you understand the question. Okay?

8 A. Okay.

9 Q. A lot of times when we start talking, we  
10 will figure out what the other person is about to  
11 say and we may start talking before the other person  
12 finishes. If I ever do that, you stop me and let me  
13 know that you are not finished because I want you to  
14 be able to finish your answer. Okay?

15 A. Okay.

16 Q. Also if at any time I'm not finished with  
17 my question, I may stop you, and I'm not trying to  
18 needle you or anything. I'm just trying to make  
19 sure we are only talking one person at a time  
20 because everything is being recorded on the  
21 stenographer. Okay?

22 A. That's fine.

23 Q. Now you are Judith Harper?

24 A. Uh-huh.

25 Q. What's your full name, Mrs. Harper?

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1 A. Judith Ann Jones Harper.

2 Q. Judith Ann Jones Harper?

3 A. Uh-huh.

4 Q. One more thing, one more little quick rule.

5 A lot of times we will have a tendency to shake our

6 head or say uh-huh or huh-uh or something like that.

7 If you could please just answer yes or no or

8 whatever you need to say to answer the question

9 verbally, it makes it a lot more clear on the

10 record. Okay?

11 A. Okay.

12 Q. So if you say uh-huh or huh-uh or

13 something, I may say is that a yes. Again, I'm not

14 trying to be insulting. I just want to make sure I

15 understand your answer. Okay?

16 A. I understand.

17 Q. Great. Thank you. What is your address,

18 Mrs. Harper?

19 A. 5917 County Road 76, Grove Oak, Alabama

20 35975.

21 Q. And you are married?

22 A. Married, yes.

23 Q. What's your husband's name?

24 A. Stanley Harper.

25 Q. How long have you and Mr. Harper lived at

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1 that address?

2 A. Since 1983.

3 Q. Now I understand there was another area  
4 that you all may own now in Sauty, Alabama; is that  
5 right?

6 A. We don't own it now. We did own a camper  
7 that was parked on a lot at South Sauty. Is that  
8 what you are referring to?

9 Q. Yes, ma'am.

10 A. We had a lot rented and we had a mobile --  
11 it was a camper but it was a 39-foot camper, yes,  
12 but we sold it in October, I believe.

13 Q. Now do I understand correctly that James  
14 Harper lived in that camper for a while?

15 A. Yes.

16 Q. Was he the last person to live in that  
17 camper?

18 A. Yes, he was.

19 Q. Did anybody live in that camper with him?

20 A. Yes, his daughter.

21 Q. Would that be Annette?

22 A. Yes.

23 Q. Other than Annette, anybody else live in  
24 that camper with him?

25 A. Not that I know of.

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1           Q.    Is it a situation where the South Sauty  
2   camper location is next to your property, or how far  
3   is the distance between the two?

4           A.    No.  It's approximately 20 miles away, I  
5   guess.

6                   MR. HARPER:  I believe it's 17 miles from  
7   our house to the camper.

8           A.    (By the Witness) It's a resort area on the  
9   back waters of Guntersville Lake.

10          Q.    I see.

11          A.    And we just had rented it and put a camper  
12   there for a while.

13          Q.    Yes, ma'am.  How about your location, other  
14   than you and Mr. Stanley Harper, anybody else live  
15   there?

16          A.    The two of us live in a house.  We have a  
17   mobile home in our back yard.  Our granddaughter and  
18   her husband and two children live there.  And one of  
19   our daughters and her husband and son, they own a  
20   mobile home, but it's parked on our property.

21          Q.    Did Mr. James Harper live on that property  
22   with y'all at any time?

23          A.    At one time he lived in the mobile home  
24   where my granddaughter lives now.  He moved there in  
25   2012 when he had had the throat cancer.  He and

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1 Annette, his daughter, lived there until, I think it  
2 was, April of 2013 when they moved from there.

3 Q. Do you know where Mr. Harper, James Harper,  
4 moved to when he moved from there?

5 A. They moved to an apartment in Scottsboro.  
6 Maybe Fox Run. I'm not sure of the name.

7 Q. And after Mr. James Harper lived at the  
8 apartment at Fox Run, did he move from there to  
9 South Sauty?

10 A. No.

11 Q. Where did he move to after that?

12 A. They moved to a mobile home in Section,  
13 Alabama, but I don't know just when or how long they  
14 lived there.

15 Q. Is that where they lived before South  
16 Sauty?

17 A. Yes. When he first went to the camper at  
18 South Sauty, he was by himself. That was before the  
19 accident. And I'm not sure what month he moved but  
20 he moved there sometime in 2016. He was going to  
21 buy it from us but then he changed his mind and  
22 didn't. So we let him live there and he lived there  
23 until the accident, and then he came back there  
24 after the accident, after he got hurt.

25 Q. Is that where Mr. James Harper lived until



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1 he passed away?

2 A. No. He moved in with us in February of  
3 2017. He wasn't able to live by himself and he  
4 wasn't sure if Annette was going to stay there any  
5 longer or not. And he lived with us until he passed  
6 away in July.

7 Q. When you say he wasn't able to live by  
8 himself, what do you mean by that?

9 A. He just wasn't physically able to cook and  
10 to clean and wash clothes, everything that needed to  
11 be done to take care of him. It took him several  
12 months to get his strength back after the accident.

13 Q. Mrs. Harper, you were kind enough to bring  
14 a good number of documents and things with you in  
15 response to the subpoena; is that right?

16 A. Yes.

17 Q. And those are documents, as I understand  
18 it, that had belonged to James Harper; is that  
19 correct?

20 A. Yes.

21 Q. And other items that belong to James Harper  
22 also; is that right?

23 A. Yes.

24 Q. Correct me if I'm wrong but I would imagine  
25 that all of the information and documents that you

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1 brought were not in the same location when you  
2 gathered them up; is that right?

3 A. Yes.

4 Q. Or were they all in the same location?

5 A. No.

6 Q. Where all were they found? Where did you  
7 find all those documents?

8 A. Some of them were in his bedroom and some  
9 of them were in a shop building that we have next to  
10 the house. When we moved him to our house, there  
11 was stuff that was just put down there for storage.  
12 And I really didn't know what all was down there  
13 until we went to look when you requested all this  
14 information. And we found the items that I'm  
15 assuming came out of his truck and that's where they  
16 were. They were just in a shop building there at  
17 the house.

18 Q. Other than Mr. Harper's bedroom, Mr. James  
19 Harper's bedroom, and the shop, any place else that  
20 you located documents that are responsive or other  
21 items that were responsive?

22 A. No.

23 Q. We heard from Annette earlier in the case  
24 and I believe I recall that she said that at one  
25 point she and Mr. James Harper went through his

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1 things that had been in his truck. Do you know  
2 anything about that? Were you present for that?  
3 Have you heard anything about that?

4 A. No, I was not.

5 Q. You didn't see that happen?

6 A. No, I didn't.

7 Q. Do you know how the items that you brought  
8 with you that had been in his truck made it out of  
9 his truck?

10 A. Not for sure as far as seeing anybody.  
11 Annette told me that her daughter Carrie and her  
12 boyfriend got the items out of the truck and brought  
13 them to South Sauty and put them in a little storage  
14 building. And Stanley and our son-in-law helped  
15 move everything to our house. And I didn't see any  
16 of it take place, but as far as I know that's how  
17 they wound up in our shop building was because  
18 that's where they put them when they were brought  
19 from South Sauty. But I did not know until really  
20 yesterday what was down there.

21 MR. ESTES: Sorry. Who did you say brought  
22 it up to your house?

23 THE WITNESS: Stanley and our son-in-law,  
24 Darryl Mitchell. They helped us move James to our  
25 house.

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1           Q.     (By Mr. Lazenby) So the items that had been  
2     in the camper in South Sauty, those were brought out  
3     of the camper in South Sauty and those were put in  
4     the storage unit; is that correct?

5           A.     Yes.

6           Q.     And that storage location is on your  
7     property where you live now?

8           A.     Yes. It was just a shop building that we  
9     have next to the house.

10          Q.     And the items that were located in Mr.  
11     Harper's bedroom, were those also in his truck or  
12     where did those come from, do you know?

13          A.     He had a plastic bin that was at the camper  
14     -- in the camper. It wasn't in the little utility  
15     building. It was in the camper. So we brought that  
16     to the house when he moved. We were just trying to  
17     get all of his belongings in one location.

18          Q.     Yes, ma'am.

19          A.     And then the rest of it was just mail and  
20     items that he had collected from February to July  
21     when he was living with us.

22          Q.     Any items, documents, anything like that  
23     that you decided not to bring today?

24          A.     No.

25          Q.     So everything that you could find that

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1 belonged to Mr. Harper is in those two suitcases?

2 A. Yes.

3 Q. I believe we have an agreement that you are  
4 going to provide that information and give those  
5 items to Mr. Estes; correct?

6 A. I beg your pardon?

7 Q. You are going to give that stuff to Mr.  
8 Estes; correct?

9 A. Yes. If that's what we need to do with it,  
10 yes.

11 Q. You know the case that we are here about  
12 today involves the collision that occurred on  
13 December 8th, 2016?

14 A. Yes.

15 Q. When did you first hear about the December  
16 8, 2016, collision?

17 A. The day that it happened.

18 Q. How did you hear about it?

19 A. We got a phone call. I cannot remember  
20 exactly how it took place. I hope Stanley can  
21 remember more than I can. We got a phone call from  
22 somebody telling us that James had been in an  
23 accident.

24 Q. Do you recall if you received the phone  
25 call or if Mr. Stanley Harper received the phone

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1 call?

2 A. I think he did because I don't answer the  
3 phone a lot because of my hearing problems. I think  
4 he answered the phone.

5 Q. Do you recall anything that was said other  
6 than Mr. Harper had been in an accident?

7 A. No, I don't. That's all. At that time we  
8 didn't really know anything about his condition or  
9 anything.

10 MR. ESTES: Judy, you just testify to what  
11 you remember. Stanley, you will get your chance to  
12 talk in a few minutes. Okay?

13 A. (By the Witness) I don't remember any  
14 details at all except that he had an accident and  
15 was in the hospital.

16 Q. When did you next receive any kind of  
17 information about the collision?

18 A. I think it was the next day. We got word  
19 that Annette was on her way over there to see about  
20 him. And I called her the next day. I think it was  
21 the next morning.

22 Q. What did you learn the next morning?

23 A. Not very much. Just that they thought he  
24 had a concussion and a shoulder that was maybe  
25 cracked. Or anyway, problems with his shoulder and

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1 that he wasn't talking very much and didn't remember  
2 anything that had happened.

3 Q. Do you know who called and told you that?

4 A. I called Annette to check on him and she  
5 told me that.

6 Q. Did you yourself travel over to Gainesville  
7 while Mr. Harper was hospitalized?

8 A. Yes.

9 Q. When did you go?

10 A. The day he was released.

11 Q. Anybody other than Annette that you kept in  
12 touch with during the time frame that he was  
13 hospitalized to ask him about updates or anything  
14 like that?

15 A. No. She was the only one I talked to.

16 Q. At any time did Annette give you any  
17 additional information that you can recall other  
18 than Mr. Harper had had a concussion and a problem  
19 with his shoulder?

20 A. At one time she told me that he had  
21 pneumonia. I don't remember how many days later  
22 that was.

23 Q. Did you ever learn of any other details of  
24 the collision from Annette?

25 A. No.

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1 Q. You went to, I'm assuming, help Mr. Harper  
2 when he was getting discharged from the hospital?

3 A. I didn't actually help with anything. My  
4 daughter went with me. We couldn't find a place to  
5 park. She got out and went in to see what time --  
6 actually we went to get him to bring him back to  
7 Alabama. We put a mattress in the back of the van  
8 so he could lay down on the way home. I didn't go  
9 in the hospital to have any conversation with  
10 anybody. She got out and went in and she called me  
11 back and said it was going to be a while before he  
12 could be released and I went and got the both of us  
13 something to eat and came back and she came out and  
14 ate. But I never went in the hospital because of  
15 the parking problem. And then I just pulled back up  
16 when they got ready to load him in the van.

17 Q. I understand. You say it was your  
18 daughter?

19 A. My daughter, yes.

20 Q. What's her name?

21 A. Heather Vaughn.

22 Q. Anybody come with you and Heather to the  
23 hospital that day?

24 A. No. Just the two of us.

25 Q. Anybody depart with you guys other than Mr.



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1 Harper?

2 A. Yes. Annette rode back with us also.

3 Q. Did you speak with Mr. Harper that day? I  
4 mean, other than --

5 A. Very little. Yes, I helped get his stuff  
6 loaded in the van and try to get him comfortable but  
7 there was really not much conversation. He wasn't  
8 talking much.

9 Q. Was he able to talk to you?

10 A. He could talk, yes.

11 Q. Did he say anything about the collision at  
12 all?

13 A. No.

14 Q. Did you speak to any of the medical  
15 professionals that had cared for him?

16 A. No.

17 Q. Do you know if Heather spoke to anybody  
18 that had cared for him?

19 A. I don't think so.

20 Q. Has Heather mentioned anything like that  
21 since that time and said, hey, you know, the doctors  
22 or the nurses told me this?

23 A. No.

24 Q. What did Heather call Mr. Harper?

25 A. What did she call him?

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1 Q. Uncle?

2 A. Uncle James, yes.

3 Q. How about Annette, did Annette ever tell  
4 you anything that the doctors or nurses had said  
5 about Mr. Harper's condition?

6 A. Nothing specific that I recall.

7 Q. Now did you all depart Gainesville and go  
8 straight back to Scottsboro?

9 A. When we left Gainesville, we went to  
10 Guntersville. He was planning to go back to his  
11 wife's apartment even though they hadn't lived  
12 together since before his cancer in 2012. She had  
13 had a stroke and Annette was supposed to try to take  
14 care of both of them is my understanding. But they  
15 did not stay there but like two days. It didn't  
16 work. Things didn't work out. So then I went back  
17 to the apartment and moved his stuff to the camper  
18 at South Sauty.

19 Q. After about two days you moved his stuff to  
20 the South Sauty camper?

21 A. Yes. The medical stuff. At that time he  
22 was on oxygen so we had to move all that stuff.

23 Q. When you picked him up at the hospital and  
24 brought him back home, did you bring him home on  
25 oxygen?

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1           A.    Yes.  I went to a medical supply place in  
2    Scottsboro.  I can't think of the name of it right  
3    off.  Had to get some large tanks or medium size  
4    tanks to have enough for a trip that long and it  
5    took us a couple of hours because we had to wait.  
6    They didn't have them in stock.  So we got that and  
7    had that with us when we picked him up at the  
8    hospital.  And the hospital staff, they had to come  
9    out and check the tanks to make sure that they were  
10   working properly and everything to get him home.

11          Q.    Was the trip to the medical supply place  
12   based on a new prescription for oxygen, or was it  
13   based on some previous prescription Mr. Harper had  
14   for oxygen?

15          A.    As far as I know, the prescription came  
16   from the hospital in Gainesville because if he was  
17   ever on oxygen before after he recovered from the  
18   cancer, I don't know of it.

19          Q.    Other than the oxygen, do you recall any  
20   other treatment that Mr. Harper left the hospital  
21   on, any other prescriptions, anything like that?

22          A.    No.  I didn't know anything about that part  
23   of it.

24          Q.    Prior to the collision on December 8, 2016,  
25   did you ever accompany Mr. Harper to any of his

1 medical appointments?

2 A. I did during the cancer treatment in 2012.

3 I think I took him maybe to one or two radiation  
4 treatments and I took him to get a family doctor.  
5 He didn't have an actual considered family doctor  
6 and I took him to an appointment for that. But I  
7 don't remember ever taking him to any after that.

8 Q. Who was the family doctor that you took him  
9 to?

10 A. It was -- I think it's Lakeside Clinic in  
11 Guntersville. They have several different  
12 physicians. I'm not sure if he had actually just  
13 one or if it was all of them. That's where we went  
14 to.

15 Q. In looking at some of the items that you  
16 have brought with you today, I saw a physician by  
17 the name of Josh Bell, B-e-l-l, MD. Ever heard of  
18 him before?

19 A. No.

20 Q. Have you ever accompanied Mr. Harper to any  
21 of his examinations by the folks who are medically  
22 clearing him to drive?

23 A. No.

24 Q. I'm not trying to hold you to a specific  
25 date, but do you know how long it was before

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1 December 8, 2016 that you would have gone to any  
2 kind of medical appointment with Mr. Harper? Would  
3 it have been years?

4 A. Yes. It was sometime in 2012. I don't  
5 recall taking him any after he got over the cancer,  
6 and he was over that in 2012.

7 Q. I gather from talking to the folks in this  
8 case, that Annette was probably the closest person  
9 to Mr. Harper from his family; is that correct?

10 A. Yes.

11 Q. Anybody else really close to Mr. Harper  
12 that you know of?

13 MR. ESTES: Family or anybody? Object to  
14 form.

15 MR. LAZENBY: Anybody.

16 A. Not that I can think of that would have  
17 anything to do with the medical treatment or  
18 anything like that.

19 Q. Other than getting the telephone calls  
20 perhaps from Annette about the collision at issue,  
21 have you ever talked to anybody else about the  
22 collision on December 8, 2016?

23 A. No.

24 Q. Ever had any meeting with Mr. Estes or  
25 anybody from his office?

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1 A. From his office?

2 Q. Yes, ma'am.

3 A. He came and talked to James at our house  
4 one time.

5 Q. Anybody else come and talk to James about  
6 the collision that you know of?

7 A. Not that I know of. Well, now, I take that  
8 back. I guess somebody brought him a summons or  
9 served a paper of some kind. I guess that was  
10 regarding the accident. All I know is my  
11 granddaughter said there is a county car in your  
12 driveway. But I'm not sure what it was.

13 Q. That's okay. I think I already know the  
14 answer to this but just to be clear, after Mr.  
15 Harper returned to Alabama following his treatment  
16 in Gainesville up until the time he passed away, did  
17 he ever talk to you or talk in your presence about  
18 what happened at the collision on December 8th?

19 A. No.

20 Q. Some of the other items that you brought  
21 with you today included some pages from logbooks, a  
22 trucker's logbook. Do you know if Mr. Harper kept  
23 written logbooks up until the time he stopped  
24 driving, or do you know if Mr. Harper had electronic  
25 logbooks?

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1 A. I don't know.

2 Q. Did you ever ride with Mr. Harper in his  
3 truck?

4 A. No.

5 Q. Did Mr. Harper or anybody on Mr. Harper's  
6 behalf ever talk to you about his medical condition  
7 after you stopped going to any medical appointments  
8 with him but prior to December 8, 2016? What I mean  
9 by that, between 2012 or so and December of 2016,  
10 anybody ever discuss his medical condition with you?

11 A. I don't remember anybody that did.

12 Q. Do you recall, as you sit here today, what  
13 Mr. Harper's medical condition was like?

14 A. In my opinion, I thought he was doing  
15 really well considering he had overcome the cancer.  
16 He just always amazed me that he was able to keep  
17 going and do what he did. We talked about that,  
18 Stanley and I did, several times about how well he  
19 was doing considering the medical history that he  
20 had with the cancer.

21 Q. Have you ever heard of the diagnosis for  
22 Mr. Harper of what's called COPD, and I believe it's  
23 chronic obstructive pulmonary disease? Ever heard  
24 of that?

25 A. I don't know that anybody ever actually

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1 called it COPD, but I know that they did keep a  
2 check on his lungs to make sure that everything  
3 looked fine. And the last time I remember him  
4 telling me anything, he said they said things looked  
5 fine. You know, they would check them again later.

6 Q. One of the other things Annette told us in  
7 her deposition was that she recalls times when Mr.  
8 Harper would start coughing very severely, and I  
9 believe she even gave examples where he may even  
10 cough up gravy at the table. Did you ever see  
11 anything like that happen with Mr. Harper?

12 A. No, don't remember it.

13 Q. Do you recall ever seeing Mr. Harper having  
14 any trouble with his tracheostomy?

15 A. Not any problems that I can remember except  
16 when he first had it put in, and it wasn't really a  
17 problem. It was just that it took him a while to  
18 get used to it being there. It was irritating. But  
19 as far as a problem with it, I don't know of any.

20 Q. Are you familiar with any of the parts and  
21 pieces for a tracheostomy? For example, do you know  
22 anything about the inner cannula, whether Mr.  
23 Harper --

24 A. He took care of cleaning it himself. I  
25 never did that.



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1 Q. When you accompanied Mr. Harper on his  
2 visits to the doctor back in 2012 or so, did he seem  
3 to be engaged in understanding what his doctors were  
4 saying and asking questions and things like that?

5 A. Yes, he seemed to.

6 Q. You gathered the impression that he was  
7 aware of his condition and aware of his treatments  
8 and things like that as well?

9 A. Yes.

10 Q. Did you know anything about Mr. Harper's  
11 admission to the hospital in June of 2016, about six  
12 months before this collision took place?

13 A. I knew that he went and we went to see him.  
14 He seemed to be doing pretty good and I think he  
15 actually went home the next day. But I think it was  
16 pneumonia, but I'm not sure.

17 Q. Did he ever explain anything to you about  
18 that particular hospitalization?

19 A. No.

20 Q. How about his visit to the emergency room  
21 on November 7th, 2016, about a month before this  
22 collision, do you know anything about that?

23 A. I didn't know about that.

24 Q. Did Mr. Harper ever share with you or talk  
25 to you about his trucking routes and things that he

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1 did as a trucker over the road?

2 A. No.

3 Q. Did you ever talk to any of the law  
4 enforcement folks who investigated the collision on  
5 December 8th?

6 A. No.

7 Q. Did you ever go and see the truck that was  
8 involved in the collision?

9 A. No.

10 Q. Did you ever talk to Annette's daughter  
11 that went out and cleaned out the truck about the  
12 truck?

13 A. No.

14 Q. I also saw a document in the suitcases, and  
15 I'm paraphrasing a little bit, but it was a drug and  
16 alcohol awareness consortium. Do you know anything  
17 about that?

18 A. No.

19 Q. Do you know anything about Mr. Harper --  
20 any of his prescriptions? Did you ever follow that  
21 with him before December 8th?

22 A. No. He took care of -- he took care of  
23 doing all that himself.

24 Q. Do you know what pharmacies Mr. Harper may  
25 have used to fill prescriptions?

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1           A.     Not the name of it. He used one in  
2     Guntersville but I don't know the name of it. I  
3     just remember him saying he had to go to  
4     Guntersville to pick up a prescription.

5           Q.     And you don't know where?

6           A.     No.

7           Q.     I believe Annette recalled that he had used  
8     the pharmacy within the Foodland grocery store.  
9     Does that sound familiar?

10          A.     It's possible. I don't really know.

11          Q.     Do you know if Mr. Harper was still smoking  
12     on December 8th, 2016?

13          A.     As far as I know, he probably was.

14          Q.     He had some difficulties trying to stop  
15     smoking?

16          A.     He had quit several times trying to stop.  
17     And I don't know for sure that he was smoking in  
18     December, but I do know that after he came to our  
19     house, he smoked some because I have an allergy to  
20     cigarette smoke and he would go out on the back  
21     porch.

22          Q.     Ever learn from any source whatsoever, from  
23     any person, ever have any discussions with you,  
24     about what caused the collision on December 8, 2016?

25          A.     No.

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1 Q. Do you know anything about the gentleman  
2 who was the pedestrian, Kip Holland?

3 A. No.

4 Q. Do you know anything about Mr. Holland's  
5 family who I represent?

6 A. No.

7 Q. I know I understood you to tell me that you  
8 hadn't been with Mr. Harper at any of his medical  
9 appointments since around 2012?

10 A. Right.

11 Q. You had taken him to Lakeside Clinic for  
12 the purpose of primary care?

13 A. Right.

14 Q. Do you know any other doctors by name that  
15 Mr. Harper may have seen at any time?

16 A. I think he still went to Dr. Mastin, I  
17 think is how you pronounce it, for checkups. I  
18 think he is maybe an ear, nose, and throat  
19 specialist; I'm not sure. But I think he went to  
20 him, and that may be the doctor that did his throat  
21 surgery; I'm not sure. That's the only name that  
22 rings a bell right now.

23 Q. Again, I think I probably know the answer  
24 to this already, but I understood you to tell me  
25 that you weren't present when Annette and Mr. Harper

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1 may have gone through the items that were taken out  
2 of his truck; is that right?

3 A. That's right. I didn't know anything about  
4 that.

5 Q. And I believe I understood Annette to tell  
6 us that he kind of decided what items were important  
7 to keep, he being Mr. Harper, and what items were  
8 not as important and could be thrown away or  
9 discarded. Do you know anything about that?

10 A. No.

11 Q. Do you know anything about whether Annette,  
12 indeed, did throw some things away?

13 A. I have no idea.

14 Q. Do you ever travel the route, as far as you  
15 know, where the collision took place?

16 A. When we left the hospital to come home,  
17 Annette said this is where the accident happened. I  
18 had never been to Gainesville. I couldn't tell you  
19 how to get there if I had to. I just know that when  
20 we passed this place, she said that's where it  
21 happened.

22 Q. Annette also told us a little bit about Mr.  
23 Harper being on a nebulizer like a breathing  
24 treatment.

25 A. Yes.

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1 Q. Do you recall that?

2 A. Yes.

3 Q. Do you recall if that was something that he  
4 was on prior to December 8, 2016?

5 A. I don't know.

6 Q. Do you know if that nebulizer machine was  
7 something that he took with him in his truck?

8 A. I don't know.

9 Q. How about a CPAP machine for any apnea or  
10 sleep difficulties, did Mr. Harper also have one of  
11 those?

12 A. He did not use one at our house. But  
13 that's all that I know of. I don't know before  
14 that.

15 Q. In the days leading up to December 8, 2016,  
16 do you recall when was the last time that you saw  
17 Mr. Harper before the collision on December 8, 2016?

18 A. Not for sure.

19 Q. Do you know if he had remained overnight in  
20 Gainesville or in Georgia on December 7th, 2016, the  
21 day prior to this collision?

22 A. I don't know.

23 Q. Other than the items that you brought with  
24 you today that belong to Mr. Harper, do you know of  
25 any other documents that may have been stored or

1 kept by somebody else that exist?

2 A. No.

3 MR. LAZENBY: I believe those are all the  
4 questions. Mr. Estes may have some.

5 EXAMINATION

6 BY MR. ESTES:

7 Q. Mrs. Harper, just a couple of questions.  
8 Did you hear ever, either from Mr. Harper or from  
9 anyone else, that James ever recalled what happened  
10 in this accident?

11 A. No.

12 Q. Is it your understanding he had no  
13 recollection of the accident?

14 A. The last time I heard anybody ask him about  
15 the accident, he said I do not remember anything  
16 about it. And he never brought it up and I never  
17 asked him either.

18 Q. Were you ever aware before the accident of  
19 James having any history of blacking out or passing  
20 out suddenly?

21 A. Not that I know of.

22 Q. Did that ever happen in your presence?

23 A. No.

24 Q. And did you ever hear from anyone else,  
25 including James, of that happening before the

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1 accident?

2 A. No.

3 MR. ESTES: Thank you, Mrs. Harper. That's  
4 all I have.

5 EXAMINATION

6 BY MR. LAZENBY:

7 Q. Just a second. Who was the person who had  
8 asked Mr. Harper what had happened in the collision  
9 when he responded that he could not remember?

10 A. It was when he came over to talk to James  
11 and James told him he did not remember.

12 Q. Don't need to hear anything else about what  
13 they discussed. That's okay. Thank you. That's  
14 all.

15 MR. ESTES: Mrs. Harper, you have the  
16 option to arrange with the court reporter a time to  
17 go read and make sure all the questions and answers  
18 were written down correctly or you can waive that  
19 right. I don't think there was anything complex  
20 about what we talked about today.

21 THE WITNESS: I don't think so either.

22 MR. ESTES: So you can waive that right.

23 THE WITNESS: I do.

24 (Deposition concluded at approximately  
25 10:45 a.m.)



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## 1 REPORTER'S CERTIFICATE

2 I, Celeste O. Riddle, RMR, RPR, CCR, do  
3 hereby certify that the witness whose attached  
4 deposition was taken before me in the foregoing  
5 matter was by me first duly cautioned and sworn  
6 to testify to the truth, the whole truth, and  
7 nothing but the truth in the cause aforesaid;  
8 that the testimony contained in such deposition  
9 was reduced to writing by means of  
10 computer-aided transcription. The said  
11 deposition is a true and correct transcript of  
12 the whole of the testimony given by said  
13 witness, as aforesaid.

14 I do further certify that I am not  
15 connected by blood or marriage with any of the  
16 parties or their attorneys or agents and that I  
17 am not an employee of either of them, nor  
18 interested directly or indirectly in the matter  
19 of controversy, either as counsel, attorney,  
20 agent, or otherwise.

21 Done this the 18th day of April 2018.

22 /s/ Celeste O. Riddle, RMR, RPR, CCR  
23 ABCR #127 Expires 9-30-18  
24 Datascope, Firm #10198  
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25 713-688-9300 Fax 713-688-9305